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U.S.D.A. Forest Service

Content Analysis Enterprise Team

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Unified Federal Policy for Ensuring Watershed Approach to Federal Land  
and Resource Management  
Federal Register: February 22, 2000 (Volume 65, number 35)  
Notices: page 8834-8840, volume 65, number 35, page 8833-8839

Comments. Review of the Department of Interior secretary Bruce Babbitt  
and U.S.D.A. Secretary Glickman's announcement of the unified federal  
policy for ensuring a watershed approach to federal land and resource  
management falsely leads the reader to believe this policy only applies  
to federally managed land and resources. This proposed policy  
potentially impacts all private, state, and local governments lands.

With terms such as "significant" and "resources" left undefined,  
within this document, federal agencies could potentially delineate every  
watershed with a wetland, migratory bird or endangered species within its  
boundaries

Unified Federal policy for ensuring a watershed approach to Federal  
Land and Resource Management. Once watersheds are delineated, (some  
20,000) by some federal agencies are to assess the existing and potential  
condition of watersheds and classify them. Note: "Clean water or other  
natural resource goals" are not outlined in the document. In fact under  
point number 2 (6), the document states that states that management goals  
will be identified and incorporated into watershed management plans,  
programs and actions at a later date.

2(5) Furthermore, point 2(5) of the plan states that watershed  
assessments and management will be based of good science, but goes on in  
"Glossary of Terms" to say that "assessment will be conducted using  
existing data, where available" and "data gap may suggest collection of  
additional data."

E.P.A.'s assessment of water quality to date, has nothing or has  
been anything but good science. In 1993 an E.P.A. report led Congress in  
to believe that agriculture polluted 70% of the nations streams, in  
other 1999 documents, E.P.A. states that 40% of U.S. waterways are still  
polluted, and 60% of the pollution comes from agriculture and urban non  
point sources. But E.P.A.'s own actual data supports neither of their  
statements. The data used to justify regulating Animal Feeding  
Operations (AFO's) show that only 693,915 miles of 3.6 million miles of  
streams in America or 19.3% were surveyed. Of those 693,905 miles of  
surveyed stream, only 14,075 miles, or 2%, had major problems due to  
livestock. It must be remembered however, that even this data is suspect  
because most surveying occurs in areas where problems were thought to be  
likely, and 2.2% of the data came from the State of Mississippi.

The prevention and controls outlined include the establishment of  
total, maximum Daily Loads (T.M.D.L.'s) and Best Management Practices  
(B.M.P.'s). While this rule states that it will implement these actions  
in a manner consistent with legal authorities, it qualifies this  
statement by using the term "applicable legal authorities" and does not  
limit these authorities to the statutes passed by Congress and signed by  
presidents past and present. The proposed rule does not acknowledge the  
fact the Clean Water Act explicitly exempts non-source pollution from  
regulation and that Federal Agencies have no legal authority to implement

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T.M.D.L.'s and B.M.P.'s. It can only be assumed that this section of the Clean Water Act is not considered "applicable legal authority"

Also under the T.M.D.L. regulation, the term "pollution" is redefined to include any hydrologic modification. In other words, any diversion of water pursuant to an established water right could be considered pollution.

The establishment of T.M.D.L. will likely result in the permitting of all activities within a watershed that don't meet the standards to be established, by the E.P.A.. Cost to small businesses could be astronomical, as shown by American Farm Bureau Federation's analysis of the E.P.A.'s January 1999 Unified National Strategy for animal feeding operations. Under these regulations all 450,000 farms and ranches with livestock will have to be permitted or have Comprehensive Nutrient Management Plans "to ensure they do not pollute water resource above and below ground by the year 2008. Farm Bureau estimates the average cost of developing these plans will be \$50,000 per farm with larger operations exceeding \$100,000.

The Vice President: Clean Water annotation also states that the million miles of buffer strips protection water from agriculture runoff will be put in place by the year 2002. There are three million miles of rivers and streams in the United States currently owned by the federal government. This directive could mean every river and stream in America crossing private and state land will have a buffer zone placed around it. Also too provide habitat for endangered species, fish and wildlife.

I hereby submit the above comments.

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April 27, 2000

Signed  
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